

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDRE McLAINE	:	CIVIL ACTION
v.	:	
JUDGE A. COOPERMAN, et al.	:	NO. 02-3538

ORDER

AND NOW, this day of February, 2003, it appearing that on May 31, 2002, petitioner filed the above-captioned civil rights action pursuant to 42 U.S.C. §1983, and that this civil action was properly assigned to the calendar of the undersigned Article III judge, and that this civil action was properly dismissed without prejudice on November 4, 2002, and

it further appearing that on January 21, 2003, the Clerk of this Court received in the mail a "Petition for Writ of Habeas Corpus" from Mr. McLaine, and that this "Petition for Writ of Habeas Corpus" was captioned "Civil Action No. 02-cv-3538," and that in this "Petition for Writ of Habeas Corpus," petitioner attempted to attack his custody by using an argument that he has allegedly been held without trial illegally for nineteen months, and

it further appearing that the Clerk of Court properly did not place this letter received on January 21, 2003 on the docket of 02-cv-3538, but directed it to the undersigned Article III judge's attention, and

it further appearing that on February 3, 2003, petitioner filed a petition for Habeas Corpus that named the same defendants as are named in 02-cv-3538 and which raised the same (as well as other) arguments as those raised in the aforesaid materials received on January 21, 2003, and that this Habeas Petition was properly assigned a new civil action number (03-cv-0684) and properly assigned pursuant to the procedures of this court to the calendar of the Honorable Michael M. Baylson, it is hereby

ORDERED that Civil Action Number 02-cv-3538 is **REOPENED for the purposes of this Order only**, and, it is further

ORDERED that the Clerk of Court is directed to forward the said correspondence received on January 21, 2003 that purportedly relates to 02-cv-3538 to the chambers of Judge Baylson, along with a copy of this Order, so that Judge Baylson can handle this matter in any way he sees fit, and, it is further

ORDERED that 02-cv-3538 is and shall remain **DISMISSED WITHOUT PREJUDICE**.

BERLE M. SCHILLER, J.

